THE HON'BLE SRI. JUSTICE GODA RAGHURAM

W.P.No. 6209 of 2006

28-03-2006

Between:-

K. Samsree Reddy

Petitioner

And

The Superintending Engineer, Operation, APCPDCL, Anantapur and another.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 6209 of 2006

Oral order:

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

The petitioner is an electrical contractor. The 1st respondent issued Tender Notice No.19/2005-2006, inviting bids for Operation and Maintenance of 33/11 KV Sub-Stations in Operation Circle, Anantapur, from valid registered contractors having experience in similar works. The last date for issue of Tender Schedules is 07-02-2006 and the last date for receipt of tender schedules is 08-02-2006, up to 03-00 P.M.

Challenging the failure of the incorporation of details in the

tender notification like the labour pattern, monthly minimum wages, monthly administrative charges etc., the petitioner filed W.P.No. 2253 of 2006. This court by the order dated 07-02-2006 granted interim stay of the Tender Notice. Earlier the petitioner purchased the Tender Schedule, but did not submit his bid in view of the interim stay granted by this court. The respondents did not open the bids filed, on 08-02-2006 on account of the interim stay granted by this court. The writ petition was, however, dismissed on 21-03-2006.

Consequent on the dismissal of W.P.No. 2253 of 2006 of the petitioner, the respondents are proceeding to finalize
the tenders is the complaint in the present writ petition.

According to the petitioner on 25-03-2006 the respondents have opened the tenders, but have not yet finalized the same. Learned standing counsel for the respondents states that he has no instructions whether bids were finalized pursuant to the opening of the tender schedules on 25-03-2006.

The grievance of the petitioner is that he could not file his bid on account of the pendency of the writ petition (W.P.No. 2253 of 2006) and the interim stay granted by this court on 07-02-2006. The petitioner states that though the writ petition has been dismissed, he should have been given an opportunity of submitting his bid. Learned standing counsel for the respondents would contra submit that as the failure of the petitioner to submit the bid is on account of his own action i.e., in filing of W.P.No. 2253 of 2006 and the interim stay granted by this court at the petitioner's instance, the petitioner cannot now complain that he was denied reasonable opportunity to submit his bid. It is further submitted on behalf of the respondents that if the bids have already been finalized, an agreement arrived at and a contract concluded pursuant to the opening of the tender schedules on 25-03-2006, then the petitioner should not be permitted to reverse

the clock and interdict public works, as such would not be in the interests of the public.

In the facts and the circumstances of the case, after hearing the learned counsel for the respective parties, the writ petition itself is disposed of at the stage of admission directing the respondents to accept the bid of the petitioner, if the tender schedules have not been finalized by today (28-03-2006) (emphasis). The petitioner shall submit his bid today (28-03-2006) itself and the same shall be considered by the respondents, if the bids have not yet been finalized and the contract is not concluded by today (28-03-2006). If the contract is concluded or the evaluation of the tender schedules is completed, then and in such circumstances the respondents need not consider the bid submitted by the petitioner.

The writ petition is disposed of as above at the stage of admission. There shall be no order as to costs.

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GODA RAGHURAM, J

Dated:28-03-2006

Pvks/*

Nb:- Operative portion by wire at party's cost.

B/o pvks/*